

NEWBERRY TOWNSHIP BOARD OF SUPERVISORS
Workshop Meeting
March 19, 2024, 6:00 p.m.

Call to Order by Chairman Harkins

Chairman Harkins called the workshop meeting to order at 6:00 p.m.

Attendance

Chairman Rob Harkins
Chairman, Diane Shellenhamer
Supervisor, Dave Kirkpatrick
Supervisor, Clair Wintermyer
Supervisor, Aaron Schwartz
Township Manager, Tony Miller
Engineer, Bill Rudy
Solicitor, James Sanders

Public Comment

Manager Miller read an email that was sent in from Sandra Gonzalez – Resident, 140 Oak Road – Ms. Gonzalez stated that she wanted to address two issues, one being the township public meeting policy. She is glad it is being addressed and is encouraged that it will bring more order to the township meetings. She stated that she would strongly encourage the township supervisors with the solicitors' help to make sure the public is informed ahead of time on all subjects being discussed and if there are any important intricacies related to those subjects. The second issue Ms. Gonzalez addressed is the potential marijuana policy being drafted. She stated she was in support of drafting a policy that would make it difficult for people or entities to grow marijuana within the township or place dispensaries within the township.

Chairman Harkins stated that Vice Chairman Shellenhamer is joining the meeting by phone.

New Business

Public Discussion and Review of Dolan Park Phase 2 Grant Opportunities

Engineer, Bill Rudy, stated Phase 1 of Dolan Park has recently been completed. The dug outs were replaced, areas of concrete were replaced, the infield was upgraded, all the fencing has been upgraded and new bleachers were installed. Phase 2 will start. There are two different grants that are being applied for. One with DCED and the other with DCNR. The DCNR requires the public to be advised so they can be informed of the proposed changes. Bill presented a layout of the park. He stated the basketball court is going to be redone, a pickleball court added, and additional parking added. 10 of the parking spaces are for use of the basketball court, pickleball area as well as the softball area. ADA parking will be added with an ADA access ramp – which is a requirement as part of the DCNR grant. All the playground equipment will be redone. The carousel area will have a rubber surface laid for safety.

All the other areas will have mulch for safety. Under the pavilion 6 benches will be added. In addition, there will be a stormwater facility.

Manager Miller explained the difference between the two grants and apply for additional grants that are permitted. He stated the entire project could be covered if the township receives both grants.

Discuss Township Public Meeting Policy Planned Revisions

Solicitor, James Sanders stated that at the request of the Board he was asked to review the public meeting policy and provide a few minor updates. In Section 2 the 24-hour requirement which is per the Sunshine Act and secondly in the public comments section to outline more specifically when public comment will be made available. In the revised provision it is at the beginning of the meeting and at the Supervisors discretion during the meeting.

Jane Harman – Resident, 205 Hemlock Lane – Stated she is concerned that if there is no public comment allowed during a supervisor’s discussion that residents will not be able to voice their opinions. Chairman Harkins stated that the intent is to keep the meeting moving. That if residents have a question or comment it will be at the discretion of the Board to allow it at a reasonable time limit.

An unrecognized resident asked when the public is allowed to address agenda items. Chairman Harkins stated that the agenda is provided online and prior to the meeting. Public comment should take place at the beginning of the meetings when public comment is asked for. This procedure has been put in place to have the meetings run more smoothly and within a timely matter.

Manager Miller asked that residents state their name and address so that the minutes can be recorded properly.

Comcast Franchise Agreement

Solicitor James Sanders stated that every township has a cable franchise agreement which is regulated by the FCC under the cable act. The township has an agreement in place with cable providers. Solicitor Sanders reviewed the franchise agreement and his suggested updates.

David Parsons – Resident, 200 Winding Hill Drive – Questioned the cable fees. Solicitor Sanders went over the 25 different fees. He stated that the township is operating under the old agreement that is still in effect but expiring. Once the new agreement is executed it will be a 10-year agreement. Chairman Harkins stated it will most likely be on next month’s agenda.

Discuss Tiny Home and Container Ordinance

Solicitor James Sanders stated tiny homes are a manufactured dwelling unit built on a wheeled metal frame, with a minimum gross floor area of 150 square feet, and a maximum gross floor area of 400 square feet. He was asked by the Supervisors to draft an ordinance with the possibility that tiny homes could potentially be coming into the township. He reviewed his memo with the Supervisors. All tiny homes must meet HUD, NOAH, or UCC standards. Proof of compliance must be provided to the township at the time of the application for a permit. Solicitor Sanders asked the Supervisors if they want to allow a tiny home as a principal dwelling.

Chairman Harkins stated there needs to be more discussion regarding this. It needs to be determined where they would be allowed. Solicitor Sanders answered questions regarding ECHO housing. There was concern that after use for elder care that it would become a rental property.

Missy Thomas – Resident – Stated that with the high price of housing she didn't feel that it would be a bad idea to allow tiny homes as rentals. Chairman Harkins stated it was not a problem for an in-law residence, however when in laws are not residing in the tiny home then it would be rented and that could become an issue.

Jane Harman – Resident, 205 Hemlock Lane – Stated she feels the Supervisors should consider allowing tiny homes in the township.

Dave Parsons – Resident, 200 Winding Hill Drive – Asked if it was possible to create a zone for the tiny homes. Solicitor Sanders stated he included in his memo to the Supervisors certain zones that could be considered for allowed use of the tiny homes. Included in the memo are items to clarify – number on each parcel, parking, connections to utilities, and zones.

Vice Chairman Shellenhamer stated more discussion and research needs to be done.

Discuss Solar Ordinance

Solicitor Sanders stated that around the county there are solar farms that are being put in place. There is a push nationally and at the state level to increase renewable energy sources of power. The township does not have a solar ordinance in place, therefore if approached by a solar developer there would be no ordinance to dictate the terms and conditions. Chairman Harkins asked if solar farms generate revenue for the township. Solicitor Sanders stated no solar farms do not generate revenue for the township. There was additional discussion regarding how a solar farm operates. Solicitor Sanders stated he is proposing an overlay district with certain zones within the township being allowed for conditional use or by special exception. Certain things need to be considered with the removal of trees, water run off and access to the solar panels.

Jane Harman – Resident, 205 Hemlock Lane – Asked what the benefit of allowing a solar farm would be to the township. Ms. Harman stated she is against allowing a solar farm that is not benefiting the township in any way. Supervisor Schwartz stated he is against allowing solar farms that do not benefit the township.

Discuss Short Term Rental Ordinance

Solicitor Sanders stated this ordinance will address Air BNBs and short-term rentals.

An unrecognized resident stated her family was new to the area. She stated they have purchased a property that is an Air BNB and for the use of their second home. She stated that they have Air BNBs in other townships. She feels the draft ordinance is stricter than the ordinances in their other locations. The main section of the ordinance she feels is too strict and could shut them down is the two person per bedroom. She stated that they have multiple homes in the Pocono township area that are used for Air BNBs and the ordinance in that area is two-bedroom limit plus four. She also has multiple Air BNBs in the Harrisburg area and has not seen an ordinance as strict. She went over statistics regarding the revenue that Air BNBs bring into townships.

Valerie Huett – Resident, 701 Potts Hill Road – Stated she started her Air BNB a few months ago. She bought the house for the sole purpose of turning it into an Air BNB with her life savings. Ms. Huett

agreed that she felt the draft ordinance was strict. Supervisor Kirkpatrick stated the ordinance was not being voted on. It is a draft and is under discussion.

Jennifer Anderson – Resident – Stated she has two Air BNBs outside of the township. Ms. Anderson spoke about ratings. There are host ratings and guest ratings. She stated if someone has a bad rating, she does not let them rent from her. She reviewed a list of items that she felt were too strict in the draft ordinance. Ms. Anderson stated she is happy that there is an ordinance being drafted to regulate air BNBs. She stated a lot of townships do not have an ordinance and will not consider them.

An unrecognized resident stated she feels that notification of short-term rentals and guests are required to make the dwelling unit available for inspection by the enforcement officer upon request. She states that it is intrusive. Solicitor Sanders responded that the residents speaking are referring to Air BNBs standards. There are other sites available which might not meet Air BNBs' standards.

Missy Thomas - Resident – stated she has an Air BNB and it is one room. Reviewed list of items she feels is restrictive. Supervisor Kirkpatrick stated again that this is a draft. The Supervisors are listening to the discussion and considering all concerns. An ordinance will be drafted to protect the property owner and the township from future problems.

Jane Harman – Resident, 205 Hemlock Lane – Asked if any board members have stayed at an Air BNBs. She stated she had researched statistics. Most of the users are families and older residents. Ms. Harman stated she and her family use them to be together when going on vacations.

Discuss Marijuana Ordinance

Supervisor Schwartz stated he is not opposed to dispensaries being in the township, however, he feels that there should be some regulation on where they are allowed.

Mike Crone – Resident, 170 Bobby Jones Drive – Stated he agrees that an ordinance be drafted, however, that there are state regulations in place. He stated that if an ordinance is going to be drafted to look at local ones. Chairman Harkins asked if there were specific local ordinances he felt should be looked at. Mr. Crone stated Enola, East Pennsboro township, Upper Allen, and downtown Harrisburg. He continued that the dispensaries are in neighborhoods due to the people needing access to their medicine.

Jane Harman – Resident, 205 Hemlock Lane – Asked if it would be greenhouses or just dispensaries. Supervisor Kirkpatrick stated if the Governor gets legal marijuana passed the dispensaries are regulated the stores are not. Manager Miller stated that he researched greenhouses for this item. It is highly regulated by the State of Pennsylvania as far as growers of medicinal marijuana. The permit application fee alone was over \$200,000 and nonrefundable.

Savvy Citizen App Training

Manager Miller stated that there is paperwork provided for the residents with a contact for personalized help with any questions regarding Savvy Citizen.

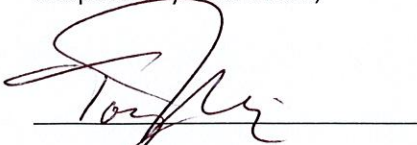
Executive Session

Executive Session was held to discuss personnel issues.

Adjournment

By Supervisor Kirkpatrick to adjourn, seconded by Supervisor Schwartz, carried unanimously.

Respectfully Submitted,



Tony Miller, Secretary

